

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Licensing & Enforcement Sub Committee B held at Knowle, Sidmouth on 10 March 2008**

**Present:** Councillors:  
Mrs C E Drew (Chairman)  
G Godbeer  
Mrs F Newth

**Also Present** Councillors:  
K Potter  
S Hall

Officers:  
Mr G Salter – Assistant Solicitor  
Mr I Carter - Senior Licensing Officer  
Mr N McDonald – Licensing Officer  
Mr C Lane - Democratic Services Officer  
Ms H Jarvis – Democratic support Services Officer

The meeting started at 9.30 am and finished at 12.35pm.

\*15 **Minutes**

The minutes of the meeting of the Licensing & Enforcement Sub Committee B held on 19 November 2007, were confirmed and signed as a true record.

\*16 **Application to grant a Premises License under the Licensing Act 2003 at  
Westpoint, Clyst St Mary, Exeter**

The Sub Committee gave consideration to the application for the grant of a Premises Licence under the Licensing Act 2003 to permit the provision of regulated entertainment, the provision of entertainment facilities, late night refreshment and the sale by retail of alcohol for consumption on and off the premises at Westpoint, Clyst St Mary, Exeter.

The Chairman identified members of the Sub Committee, Officers, applicants and interested parties. The applicants were Tim Selley, Solicitor and Mervyn Haskins, Manager. The interested parties were Mrs J Wheller, Environmental Health Officer, Mr E Williams, Mr & Mrs Pickford and Mr Tommans Porter.

The Sub Committee carefully considered the application for a variation to a premises licence to permit the provision of regulated entertainment, the provision of entertainment facilities and late night refreshment and the sale by retail of alcohol for consumption on and off the premises with a view to deciding whether the application promotes the licensing objectives, as required by the Licensing Act 2003. They also took into account Government Guidance and the Council's own licensing policy, and the Human Rights Act 1998 in making this decision.

The Sub Committee considered the particular locality of the premises close to a large village and its physical relationship with residential properties in the vicinity. They also considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that have been the subject of representations, that is to say: public safety and public nuisance. From this they concluded that the police did

\*16

**Application to grant a Premises License under the Licensing Act 2003 at Westpoint, Clyst St Mary, Exeter (Cont)**

not consider that there is currently any significant problem associated with the current operation of the premises, or that there is likely to be if the application is granted provided the conditions they have requested at mediation are imposed.

The applicants case was that the current application had been made in conjunction with ongoing discussions with the Licensing Authority to regularise the current licensable activities associated with the Westpoint venue. At the hearing they added that Westpoint was historically the base for the Devon County Show but that because this event ran at a loss it was necessary to maximize profits by holding other events. Currently they had been using Temporary Event Notices but wished as already discussed to regularize use under the statutory regime.

The application was not intended to change the nature of the venue and was not a "365 day" licence application. The issues were that of the extent of noise and light nuisance. There were no issues of crime and disorder at the venue. Pop concerts had been held at the premises in the past, 6 in 8 years, usually during the winter months.

The desirability of siting the food and bar areas in the grey hatched areas as indicated on the applicant's plan was acknowledged by the applicant and the Licensing Authority. The applicant had looked at other similar venues in the Authority and that this application was inline with those venues.

The applicant expressed his view of the amended Appendix F and in particular provisions concerning the conditions on the use of the Arena for events that may continue after 11.00pm. The applicant pointed the Sub Committee to the Event /Safety Management Plan documents and confirmed that these were in place for all types of event at the premises.

The case of the Council's Environmental Health services was that on paper that the representations were against the inadequate information submitted in prevention of public nuisance. All outdoor music events cease at 21.00 hours on any night, in accordance with Good Practice Guides. At the hearing they added that there was concern about the use of doors during live performance of music and amplified music, particularly the access and egress to and from the premises other than during intervals in the performance. Reference was made to page 24 of the ESM plan.

They advised that double doors to the left of the stairwell doors should be manned by at least 2 SIS staff during events and that the doors should remain closed during performances but opened for access and egress to the bar and food area and outside only during intervals in amplified music. At this point there was legal advice given on the validity of the specific representations and the this representation should be ignored under the current application. However, the Sub Committee noted that there was agreement for ongoing discussion between the Environmental Health and the applicant.

The Interested Parties case was on paper that representations had highlighted concern over the increased traffic using the A3052 along the Sidmouth Road. It was difficult for local residents to access the area when events were being held. There were also issues over planning permissions for the site and concern over the amount of noise and light pollution from an increased number of events held at the site. Residents had fears over a "365" day licence.

At the hearing Mr Williams referred the Sub Committee to points 16 and 17 of Appendix C. Mr Tommans Porter referred to the use of the other areas highlighted on the plan D – G, he was concerned that these could be used with marquees (s189 of LA 2003) and called structures in order that amplified music could be played and the application circumvented. He also referred to the historical issues of noise and light and said he had telephoned

\*14

**Application to grant a Premises License under the Licensing Act 2003 at West point, Clyst St Mary, Exeter(Cont)**

Environmental Health and the Police to raise concerns at the time. He also raised concerns about the intensity of traffic at the premises and on the A3052.

The Sub Committee had carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence they had heard regarding the history of the premises, they considered that the establishment had been well managed and controlled with good policies in place and adequate supervision from line management.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk of crime and disorder, or risk to public safety arising from the current operation of the premises. This was because of a lack of evidence of a history of complaints to the statutory authorities. The Sub Committee did, however, take into account the concern of local residents about future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonably late.

At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact that local residents suggest. The Sub Committee noted the extensive Event Safety Management Plans, which were comprehensive and led to good management.

All parties were reminded of the closure and review powers which the Government brought into force on 24 November 2005. Premises which do not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

**RESOLVED** 1) that the grant of the variation of the Premises Licence be permitted with the following conditions:

- (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.
- (b) Permitted hours for the various licensable activities will be set out in the Appendix B.
- (c) The conditions will now be as shown in Appendix F but amended by as follows:

Condition 2 to read:

Any notification required to be submitted under condition 1 must be given at least 28 days prior to the commencement of any licensable event and must be accompanied by a suitably scaled and detailed plan of the layout and any structures to be sited in any of the areas excepting the Arena and the relevant Event Safety Management Plan to be used.

New condition 5: Indoor sale of alcohol within the Westpoint Exhibition Centre at events terminating before 11.00 pm does not require any prior notice to be given to the Licensing Authority.

- (d) The mandatory conditions required by sections 19/20/21 of the Licensing Act 2003 will also be imposed.

2) that the Designated Premises Supervisor would be Mr N K Hosking,  
Westpoint Centre Ltd, Clyst St Mary, Exeter, Devon, EX5 1DJ.

Chairman ..... Date.....